



TESTIMONY BEFORE THE SENATE COMMITTEE ON LABOR, PUBLIC SAFETY, AND  
URBAN AFFAIRS  
ASSEMBLY BILL 212  
NOVEMBER 1, 2011

Thank you Chairman Wanggaard and members of the Senate Committee on Labor, Public Safety and Urban Affairs for allowing me this opportunity to offer my testimony on Assembly Bill 212. Assembly Bill 212 will further protect public safety workers by making it easier to prosecute individuals who project a bodily substance.

Representatives Honadel and Zepnick were co-authors with myself last session and have been instrumental in bringing this legislature forward again. While the intent of the act is clear, the law however was not. This simple change aligns the purpose of the original legislation with what prosecutors need to uphold it. That is why this common sense change has been supported by so many associations that represent public safety workers. These employees deserve the protection under the law that if they are subjected to such reprehensible behavior with very serious health implications that the charge is not dismissed on a technicality.

AB 212 passed through the Assembly Committee on Criminal Justice and Corrections on an 8-0 vote and was approved by a voice vote in the Assembly last week. I hope you will join us in supporting this bipartisan bill which will benefit those who in their course of public service unfortunately encounter mistreatment that places them at risk.

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# MARK R. HONADEL

STATE REPRESENTATIVE • 21<sup>ST</sup> ASSEMBLY DISTRICT

## Assembly Bill 212

### Throwing or expelling a bodily substance at a public safety worker and providing a penalty

Thank you Chairman Wanggaard and Committee members for giving me the opportunity to testify today in support of Assembly Bill 212. This bill has already passed the Assembly Committee on Criminal Justice and Corrections with an 8-0 vote and has passed the Assembly on a voice vote. I appreciate the Committee's action on this bill.

After speaking with my local police department I was told about a problem with enforcing the current laws on expelling bodily fluids at or towards public safety workers.

Currently, persons who throw or expel bodily fluids at a public safety worker can be charged with a Class I felony under s.941.375. There are three circumstances that qualify a person to be charged under the law: (a) a person expels bodily fluids with the intent that it come into contact with the public safety worker; (b) the person expels bodily fluids with intent to cause harm to the public safety worker; and (c) the public safety worker does not consent to having the bodily fluid expelled toward them. Under current law District Attorneys are having difficulty proving intent to cause bodily harm (b) and therefore these charges are being dropped.

To further protect emergency medical technicians, law enforcement, fire fighters and ambulance staff; and to allow District Attorneys to enforce present law, AB 212 simply removes section (b), the intent to cause bodily harm.

Milwaukee County DA John Chisholm has previously indicated that AB 212 is sound legislation that would make a reasonable modification to the law that is too narrowly defined.

The Milwaukee Police Association, the Professional Fire Fighters of Wisconsin, Inc., the Wisconsin Professional Police Association, AFSCME Council 11, the Wisconsin County Police Association, the Wisconsin EMS Association, and the Wisconsin Troopers Association all support this legislation.

Under this bill bodily fluids include: blood, semen, vomit, saliva, urine, feces, or other bodily substances; and public safety worker includes: emergency medical technician, first responder, peace officer, fire fighter, or person operating or staffing an ambulance.

Thank you for your time and consideration of this legislation.

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